



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,445	09/29/2000	Ronald R. Martinsen	2710	4420

7590 09/20/2006

LAW OFFICES OF ALBERT S. MICHALIK, PLLC  
704 228th AVENUE NE  
SUITE 193  
SAMMAMISH,, WA 98074

EXAMINER

TRAN, MYLINH T

ART UNIT	PAPER NUMBER
----------	--------------

2179

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/677,445	<b>Applicant(s)</b> RONALD MARTINSEN	
	<b>Examiner</b> Mylinh Tran	<b>Art Unit</b> 2179	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07/05/06.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 9-23, 25-28, 30 and 31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-23, 25-28 and 30-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant's Amendment filed 07/05/06 has been entered and carefully considered. Claims 1, 10-12, 15, 18, 20-22 and 25 have been amended. Claims 30-31 have been added. However, the limitations of the amended and new claims have not been found to be patentable over prior art of record, therefore, claims 1-6, 9-23, 25-28, 30 and 31 remain rejected under the same ground of rejection as set forth in the Office Action mailed (04/05/06).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-6, 9-23, 25-28, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guthrie (US. 6,266,681) in view of Kerbs et al (US. 6,668,369).

As per independent claims 1 and 30-31, Guthrie teaches in a computer system, a method comprising: processing a page, the page comprising:  
an import instruction that references a behavior component coded in a dynamic hypertext markup language (column 4, lines 61-67), an element associated with the behavior component (col. 5, lines 14-18 and lines 33-34),  
synchronously binding the behavior component to the element, including  
instantiating an instance of the behavior component in accordance with the import instruction when a part of page corresponding thereto is parsed by a browser (column 5, lines 35-67);  
and determining a behavior of the element on the page by interpreting the element and the instance of the behavior component synchronously bound to the element (col. 5, lines 26-29) including by instantiating the instance of the behavior component to create a document fragment in which the instance of the behavior component includes a pointer to the content (column 5, lines 35-67, linking to a portions of 5-day weather forecast is considered as a pointer to the content); interpreting the page to form a document structure, the document structure maintained separately from the document fragment and accessing the content via the pointer included in the instance of the behavior component and inserting the content into a representation of the page (column 5, lines 35-67)

Guthrie teaches a separate interceptor code module intercepts the events generated by users on the HTML interface (for example, clicking on or moving a mouse over an element on the HTML interface), and then modifies the contents of the HTML document to include inject code (inject code is just a dynamic script) and finally returns the HTML and the injected code (or behavior component bounced to the selected element) to the Web browser for dynamic display (e.g. col. 5, lines 35-58 and col. 6, lines 1-48). However, Guthrie does not disclose the above dynamic displaying process coded in dynamic hypertext markup language (DHTML). Krebs teaches a DHTML language being merely a combination of static HTML and dynamic script (col. 1, lines 52-64). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Krebs of using DHTML as a combination of HTML and dynamic script of Guthrie's HTML and dynamic script system since it would have allowed Web developers to implement modularity in their site designs in order to simplify updates and alterations.

As per claim 2, which is dependent on claim 1, it would have been inherent in Guthrie's HTML/Web system that the element is must be associated with a namespace in the page.

As per claim 3, which is dependent on claim 2, Guthrie teaches the behavior component comprising a name for creating a custom element that may be linked to the behavior component, and a syntax for the element comprising a reference to the name (col. 13, line 16 - col. 14. line 17).

As per claim 4, which is dependent on claim 3, it would have been inherent in Guthrie's HTLL/Web system that the syntax for the element further comprising a reference to the namespace.

As per claim 5, which is dependent on claim 1, Guthrie teaches the behavior component comprising a name or creating a custom element that may be linked to the behavior component, and a syntax for the element comprises a reference to the name (col. 13, line 16 - col. 14, line 17).

As per claim 6, which is dependent on claim 1, since the behavior component, which is injected into the HTML code, is written in Java script, it would have been inherent in Guthrie's system that the behavior component is instantiated in accordance with a thread, and the import instruction causing at least one other thread to cease while instantiating the behavior component (col. 4, lines 1-2).

As per claim 9, which is dependent on claim 1, Guthrie teaches the behavior component comprising content, and instantiating the behavior component comprising inserting the content into the page (col. 6, lines 29-40).

As per claim 10, which is dependent on claim 9, Guthrie teaches processing the page comprising interpreting the page including creating a document structure, wherein instantiating the instance of the behavior component comprising creating a document fragment including content, and wherein inserting the content into the page comprises inserting the document fragment into the document structure (col. 6, line 41 - col. 7, line 19).

As per claim 11, which is dependent on claim 1, it is rejected under the same rationale as claim 10.

As per claim 12, which is dependent on claim 1, Guthrie teaches processing the page comprising interpreting the page including creating a document structure, and instantiating the instance of the behavior component comprising, creating a document fragment; and maintaining the document fragment separate from the document structure (col. 6, line 41 - col. 7, line 19).

As per claim 13, which is dependent on claim 12, it would have been inherent in Guthrie's system that the element comprises a pointer to the document fragment.

As per claims 14 and 15, which are dependent on claims 13 and 14 respectively, Guthrie teaches the document fragment comprising content, and interpreting the page comprising inserting the content into the page, inserting the content into the page comprising inserting the content into a position corresponding to a location of the element in the page (col. 6, lines 25-40).

As per claim 16, which is dependent on claim 1, Guthrie teaches the behavior component comprising script (col. 4, lines 1-2).

As per claim 17, which is dependent on claim 16, Guthrie teaches the behavior component comprising an HTC file (col. 6, lines 41-48).

As per independent claim 18, it is rejected under the same rationale as claims 1 and 12.

Art Unit: 2179

As per claim 19, which is dependent on claim 18, it is rejected under the same rationale as claim 13.

As per claim 20, which is dependent on claim 19, Guthrie teaches processing the page comprising applying a behavior of the behavior component to the element (col. 5, lines 25-34).

As per claim 21, which is dependent on claim 19, it is rejected under the same rationale as claim 14.

As per claim 22, which is dependent on claim 21, it is rejected under the same rationale as claim 15.

As per claim 23, which is dependent on claim 18, it is rejected under the same rationale as claim 14.

As per independent claim 25, Guthrie teaches a computer-readable medium having computer executable components comprising:

a behavior component (col. 5, line 14-18 and line 34); an import instruction component in a page, the import instruction configured to call for instantiation of the behavior component during a parsing of the page and further configured to associate the behavior component with the page (col. 5, lines 14-18 and lines 33-34, and col. 8, lines 9-34);

an element in the page that is defined by a behavior of the behavior component and configured such that, during the parsing of the page, the element synchronously binds with the behavior component and applies the behavior (col. 5, lines 26-29, and col. 8, lines 9-34).



Guthrie teaches a separate interceptor code module intercepts the events generated by users on the HTML interface (for example, clicking on or moving a mouse over an element on the HTML interface), and then modifies the contents of the HTML document to include inject code (inject code is just a dynamic script) and finally returns the HTML and the injected code (or behavior component bounced to the selected element) to the Web browser for dynamic display (e.g. col. 5, lines 35-58 and col. 6, lines 1-48). However, Guthrie does not disclose the above dynamic display process coded in dynamic hypertext markup language (DHTML). Krebs teaches a DHTML language being merely a combination of static HTML and dynamic script (col. 1, lines 52-64). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Krebs of using DHTML as a combination of HTML and dynamic script in Guthrie's HTML aid dynamic script system since it would have allowed Web developers to implement modularity in their site designs, simplifying updates and alterations.

As per claim 26, which is dependent on claim 25, it is inherent in Guthrie's system that the behavior component comprising an instruction component configured such that during the parsing of the page, static content within the element being not parsed.

As per claims 27 and 28, which are dependent on claims 26 and 27 respectively, Guthrie teaches an executable file for accessing the content within the element, executable file comprising scripts (col. 11, lines 1-30).

### **Response to Arguments**

Applicant's arguments filed 07/05/06 have been fully considered but they are not persuasive.

Applicant argued the followings:

(a) Guthrie does not disclose a behavior that is bound to an element as much as a synchronously bound behavior as claimed by applicants.

(b) With respect to claims 1, 18, 24, 25 and 29, the combination of Guthrie with the teachings of Krebs is counter-intuitive since the system of Guthrie is specifically directed to injecting code to be parsed by the browser. It simply does not make sense to inject DHTML code into an HTML document in Guthrie because the intended purpose of using DHTML code in the present invention is to avoid the necessity of injecting additional code into a web page.

(c) With respect to claim 9, Guthrie cannot possibly be construed to teach a behavior component that, when instantiate, insert code (or content).

Examiner disagrees for the following reasons:

(a) Guthrie does teach a behavior bound to an element. The example at column 5, lines 45-48 describes injected user interface component 305 (behavior component) providing links to portions of a 5-day weather forecast (element). The system of Guthrie teaches a method of incorporating an injectable component, such as a user interface component, into an existing HTML document....Specifically, the present invention provides an injection system that injects code into HTML documents (see column 4, lines 62-67). Guthrie teaches

a separate interceptor code module intercepts the events generated by users on the HTML interface, and then modifies the contents of the HTML document to include inject code and finally returns the HTML and the injected code to the Web browser for dynamic display (see column 5, lines 35-58 and column 6, lines 1-48). The step of determining a behavior of the element by synchronously bounding an element and a behavior component has to be existed because the injected code binds synchronously with the content of the HTML document; and creates the modified HTML. How can the modified HTML be created if the existing HTML document does not synchronously bind the injected code? The code is persistently and continuously injected into the existing HTML document and then generating the modified HTML. The injected code and the existing HTML document synchronously binds together when they need to create the modified HTML without doing any extra step.

Beside, the Guthrie's system is not limited to providing weather forecasts or static information but rather may be used to provide any kind of static or dynamic information, interface, or component (column 5, lines 55-58). Because the system teaches dynamic information such as 5-day weather forecasts, it teaches behavior synchronously bound at the time of browser parsing. When a user selects the weather forecast link, the newest information (the modified HTML document) about the weather forecast is updated. That means a page is parsed by the browser (the step of selecting the weather forecast link by the

user), the system synchronously binds the behavior component (injected code) to the element (the HTML document) because the information is dynamic.

Therefore, the Guthrie's system clearly teaches the feature of a behavior that is bound to an element as much as a synchronously bound behavior as claimed by applicants.

(b) Injecting DHTML code into an HTML document in Guthrie in order to causes the additional behavior to appear reads on the claimed language in which an import instruction references (injects) a DHTML behavior component and links to an element on a page.

(c) According to Guthrie, once a behavior component is instantiated "any contents can be displayed as the injectable component" and the example of the content being inserted into the page includes a drop-down menu 309 and several graphical button 310 (col. 5, lines 45-58).

Therefore, Guthrie clearly teaches "instantiating the behavior component comprises inserting the content into the page".

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then

the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

BA HUYNH  
PRIMARY EXAMINER

